

Message

From: Garrison, Scott [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F3BA15187A464688A839A843B7B59CA0-SGARRISO]
Sent: 9/5/2019 7:01:59 PM
To: Yarger, Ryne [Yarger.Ryne@epa.gov]; Kasai, Jeanne [Kasai.Jeanne@epa.gov]
Subject: RE: ONE Certification rule question from a federal agency

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Ex. 5 Deliberative Process (DP) / Attorney-Client

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Yarger, Ryne <Yarger.Ryne@epa.gov>
Sent: Thursday, September 05, 2019 2:39 PM
To: Garrison, Scott <Garrison.Scott@epa.gov>; Kasai, Jeanne <Kasai.Jeanne@epa.gov>
Subject: RE: ONE Certification rule question from a federal agency

We did, but we started to second guess ourselves about what it was that they were actually asking since the question in our Q5 was phrased differently than what they had originally asked in the emails below:

If a State does not have reciprocity of certification with a second State, but the USDA/FS awards certification based upon that second State's certification, is the USDA/FS awarded certification valid in both States?

I'm thinking paragraphs 1 and 2 may be the best answer to the question above, and we delete paragraph 3 altogether for simplicity, unless you think otherwise.

Ex. 5 AC/DP

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From: Garrison, Scott <Garrison.Scott@epa.gov>
Sent: Thursday, September 05, 2019 2:13 PM
To: Kasai, Jeanne <Kasai.Jeanne@epa.gov>; Yarger, Ryne <Yarger.Ryne@epa.gov>
Subject: RE: ONE Certification rule question from a federal agency

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From: Kasai, Jeanne <Kasai.Jeanne@epa.gov>
Sent: Thursday, September 05, 2019 12:25 PM
To: Yarger, Ryne <Yarger.Ryne@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Subject: RE: ONE Certification rule question from a federal agency

Ryne's got it!

From: Yarger, Ryne <Yarger.Ryne@epa.gov>
Sent: Thursday, September 05, 2019 12:23 PM
To: Kasai, Jeanne <Kasai.Jeanne@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Subject: RE: ONE Certification rule question from a federal agency

Ex. 5 Deliberative Process (DP)

From: Kasai, Jeanne <Kasai.Jeanne@epa.gov>
Sent: Thursday, September 05, 2019 11:54 AM
To: Garrison, Scott <Garrison.Scott@epa.gov>
Cc: Yarger, Ryne <Yarger.Ryne@epa.gov>
Subject: ONE Certification rule question from a federal agency

Scott –

Ex. 5 Deliberative Process (DP) / Attorney-Client

If you don't mind giving us your answer, I (or Ryne) will write the draft response and send it to you for review.

I hope that's okay.

Thanks!

Jeanne

From: Covell, Stephen -FS <stephen.covell@usda.gov>
Sent: Thursday, September 05, 2019 10:11 AM
To: Kasai, Jeanne <Kasai.Jeanne@epa.gov>
Cc: Kunickis, Sheryl - OSEC <Sheryl.Kunickis2@usda.gov>; Yarger, Ryne <Yarger.Ryne@epa.gov>; Chin, Teung - OCE <teung.chin@usda.gov>; Schroeder, Jill - OCE <jill.schroeder@usda.gov>; Shephard, Michael - FS <michael.shephard@usda.gov>
Subject: RE: June 12 FIPMCC discussion - follow up documents

Jeanne:

The question posed concerning prospective reciprocity under the revised RUP applicator certification regulations arises from the new 40 CFR 171.305 (a) (10),

(10) A Federal agency may waive any
or all of the procedures specified in
§ 171.103, § 171.105, and § 171.107 of

this part when certifying applicators in reliance on valid current certifications issued by another State, Tribal, or Federal agency under an EPA-approved certification plan. The Federal agency certification plan must explain whether, and if so, under what circumstances, the Federal agency will certify applicators based in whole or in part on their holding a valid current certification issued by another State, Tribe or Federal agency. Such certifications are subject to all of the conditions listed at § 171.303(a)(9).

The old (current) plan, under the expiring regulation, did not have such a reciprocity provision.

Please call if you have further questions.

Thank you.

V/R

Steve



Stephen A. Covell
USFS National Pesticide-Use Coordinator

Forest Service
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Caring for the land and serving people

From: Schroeder, Jill - OCE

Sent: Thursday, September 5, 2019 7:52 AM

To: Kasai, Jeanne <Kasai.Jeanne@epa.gov>; Chin, Teung - OCE <teung.chin@usda.gov>

Cc: Kunickis, Sheryl - OSEC <Sheryl.Kunickis2@usda.gov>; Yarger, Ryne <Yarger.Ryne@epa.gov>; Covell, Stephen -FS <stephen.covell@usda.gov>

Subject: RE: June 12 FIPMCC discussion - follow up documents

Thank you so much Jeanne and Ryne! I will forward this to the committee. Steve Covell (copied) was the person who asked the questions so he will need to clarify/respond to your clarification question.

Best-

Jill

From: Kasai, Jeanne <Kasai.Jeanne@epa.gov>
Sent: Wednesday, September 4, 2019 6:44 PM
To: Chin, Teung - OCE <teung.chin@usda.gov>; Schroeder, Jill - OCE <jill.schroeder@usda.gov>
Cc: Kunickis, Sheryl - OSEC <Sheryl.Kunickis2@usda.gov>; Yarger, Ryne <Yarger.Ryne@epa.gov>
Subject: RE: June 12 FIPMCC discussion - follow up documents

Hello!

Coincidentally, I was going to send you the materials yesterday.

Attached is the plan outline. It is important to note that this is an optional format for revised federal agency certification plans. It is not mandatory.

Also attached are 4 of the 4 Q&As. We need more information to understand the 5th question which was:

Ex. 5 Deliberative Process (DP)

Thanks!

Jeanne (and Ryne Yarger)

Jeanne Kasai, USEPA
Office of Pesticide Programs, Certification & Worker Protection Branch
tel. 703-308-3240, kasai.jeanne@epa.gov
<http://www.epa.gov/pesticide-worker-safety>



From: Chin, Teung - OCE <teung.chin@usda.gov>
Sent: Wednesday, September 04, 2019 11:25 AM
To: Kasai, Jeanne <Kasai.Jeanne@epa.gov>; Schroeder, Jill - OCE <jill.schroeder@usda.gov>
Cc: Kunickis, Sheryl - OSEC <Sheryl.Kunickis2@usda.gov>
Subject: RE: June 12 FIPMCC discussion - follow up documents

Hello Jeanne:

Hope the summer was fun for you.

Thanks again for your participation in the June meeting.

As an FYI, there is at least one agency who is nearing a draft federal C&T plan.

Are you able soon to share the feedback from OGC and others on the five questions?

Thanks in advance!

Teung

From: Kasai, Jeanne <Kasai.Jeanne@epa.gov>
Sent: Wednesday, June 12, 2019 6:31 PM
To: Schroeder, Jill - OCE <jill.schroeder@usda.gov>
Cc: Chin, Teung - OCE <teung.chin@usda.gov>
Subject: June 12 FIPMCC discussion - follow up documents

Hi Jill and Teung –

Thank you for a productive discussion today with you and the other members of the group.

Attached are two out of four documents I promised to you, plus an extra one.

1. Q&As
2. Comparison text (old vs. new)
3. Detailed comparison table (of old vs. new requirements)

I still owe you:

- Answers to questions (below)
- Draft outline for federal agency plans

Thanks!

Jeanne Kasai

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From: Schroeder, Jill - OCE <jill.schroeder@usda.gov>
Sent: Tuesday, June 04, 2019 11:14 AM
To: Kasai, Jeanne <Kasai.Jeanne@epa.gov>
Cc: Chin, Teung - OCE <teung.chin@usda.gov>
Subject: RE: second topic for June 12 FIPMCC discussion

Jeanne-

Here are the questions I received from Forest Service. I hope they help you prepare for the conversation next week. I will send these to the full committee so they can prepare their thinking as well.

Thanks –
Jill

1. EPA is deliberating FIFRA 24(c) state-specific labelling of pesticides, specifically more-restrictive labelling vs. additional uses [see, for example: <https://www.dtnpf.com/agriculture/web/ag/crops/article/2018/11/01/state->

restrictions-federal-pesticide]. How does EPA intend to apply label requirements to multi-state applications of 24(c) products by Federal agency employees, who are certified by their agency, on Federal lands?

2. In States that certify "commercial" applicators of "general use" and "restricted use" pesticide, will a Federal agency certification for RUP suffice for applications of both "general use" and "restricted use" pesticide?
3. If Federal employee is certified by his/her agency for a period of 4 years, but neighboring State uses 2-year certification periods, will Federal employee need to be recertified more frequently than each 4 years?
4. Does EPA consider any State/Tribal "licensing" requirements for pesticide applicators to be "substantive" standards in regard to qualifications for commercial applicator certification that exceed the USDA/FS certification plan standards?
5. If a State does not have reciprocity of certification with a second State, but the USDA/FS awards certification based upon that second State's certification, is the USDA/FS awarded certification valid in both States?

From: Kasai, Jeanne <Kasai.Jeanne@epa.gov>
Sent: Monday, June 3, 2019 1:05 PM
To: Schroeder, Jill - OCE <jill.schroeder@usda.gov>
Cc: Chin, Teung - OCE <teung.chin@usda.gov>
Subject: RE: second topic for June 12 FIPMCC discussion

Hi Jill and Teung –
Is it possible to call into this meeting rather than attend in person?

We are critically short in staff these days and any time I can save is welcome.

Thanks!
Jeanne

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<http://www.epa.gov/pesticide-worker-safety>



From: Schroeder, Jill - OCE <jill.schroeder@usda.gov>
Sent: Thursday, May 23, 2019 7:29 AM
To: benedict.pagac.civ@mail.mil; terry.l.carpenter1.civ@mail.mil; Chin, Teung - OCE <teung.chin@usda.gov>; Farmer, Doug - NASS <doug.farmer@usda.gov>; Fitzner, Michael - NIFA <MFitzner@nifa.usda.gov>; Bolton, Herbert T. - NIFA <HBOLTON@nifa.usda.gov>; Bagdon, Joseph - NRCS, Amherst, MA <joseph.bagdon@usda.gov>; Fajardo, Julius - OCE <julius.fajardo@usda.gov>; Nowierski, Robert - NIFA <RNOWIERSKI@nifa.usda.gov>; rhedlund@usaid.gov; richard_lee@blm.gov; Shimmin, Scott - NASS <scott.shimmin@usda.gov>; Kunickis, Sheryl - OSEC <Sheryl.Kunickis2@usda.gov>; Covell, Stephen - FS <stephen.covell@usda.gov>; gramos@blm.gov; faustba@si.edu; cindy_hall@fws.gov; sratclif@illinois.edu; Ellis, Frank <Ellis.Frank@epa.gov>; dorschner@AESOP.Rutgers.edu; peter.j.ashley@hud.gov; douglas.a.burkett.civ@mail.mil; laforest@uga.edu; Schroeder, Jill - OCE <jill.schroeder@usda.gov>; Danesha_Carley@ncsu.edu; Blanco, Carlos A - APHIS <carlos.a.blanco@usda.gov>; Koehler, Susan M - APHIS <susan.m.koehler@usda.gov>; Mallampalli, Nikhil <Mallampalli.Nikhil@epa.gov>; Randall, Carol -FS

<carol.randall@usda.gov>; Parker, Joyce - NIFA <Joyce.Parker@nifa.usda.gov>; brian.p.evans10.mil@mail.mil; Eric.Bradley@Hq.Doe.Gov; terri_hogan@nps.gov; Hill2, Elizabeth - OCE <elizabeth.hill2@usda.gov>; Haines, Lindsay - NRCS, Washington, DC <lindsay.haines@usda.gov>; WAlarcon@cdc.gov; Harry.Bottenberg-FASContact <hbottenberg@usaid.gov>; Hilary_Smith@ios.doi.gov; Goswami, Rubella - NIFA <Rubella.Goswami@nifa.usda.gov>; Simon, Samantha - APHIS <samantha.j.simon@usda.gov>; Myers, Clayton - OCE <clayton.myers@usda.gov>; lori_makarick@nps.gov; mebaur@ucanr.edu; Lopez, Vanessa - FS <vanessa.lopez@usda.gov>; Wilkins, Raderrio <Wilkins.Raderrio@epa.gov>; Epstein, David - OCE <david.epstein@usda.gov>; dgg3@cornell.edu; jess@cns.msu.edu; Hoffman, Eric R CAPT USN OSD OUSD A-S (US <eric.r.hoffman2.mil@mail.mil>; Davis, Timothy J Lt Col USAF OSD OUSD A-S (US <timothy.j.davis3.mil@mail.mil>; una.song@hq.doe.gov; James_C_Howard@nps.gov; Danielle_Buttke@nps.gov; Terri_Hogan@nps.gov; james_pieper@nps.gov; william.b.miller54.civ@mail.mil; J.Kofi.Berko@hud.gov; nec2@cornell.edu; Mengistu, Tesfamariam - NIFA <Tesfamariam.Mengistu@nifa.usda.gov>; sarah_veatch@ios.doi.gov; Stanley_Burgiel@ios.doi.gov; Caraher, Kai - APHIS <kai.caraher@usda.gov>; Lemon, Jennifer <Lemon.Jennifer@epa.gov>; Randall, Carol -FS <carol.randall@usda.gov>; Waleko, Garland P - APHIS <garland.p.waleko@usda.gov>

Cc: Kasai, Jeanne <Kasai.Jeanne@epa.gov>; Bernier, Uli <Uli.Bernier@ARS.USDA.GOV>

Subject: second topic for June 12 FIPMCC discussion

Dear FIPMCC Colleagues:

Thank you to Teung Chin for bringing this topic to the committee. In addition to our discussion of EDRR and how it is part of IPM, EPA will join us for a discussion on federal agency revisions to federal certification and training (C&T) plans for the use of restricted use pesticides. EPA will field any questions on June 12. Teung has provided the following information to help the discussion. We are asking you to provide me with questions to assist EPA.

While some agencies are not planning to submit revised federal plans, they are planning for their workers to be certified by their respective states. Other federal agencies are at various stages in development.

Please review EPA's recently released guidance to states on how to revise state C&T plans.

<https://www.nasda.org/news/new-materials-released-by-epa-on-pesticide-certification-training>

If you have any questions, please submit them to me, Jill Schroeder (Jill.Schroeder@usda.gov), by June 3.

We will collate and forward on to EPA so they can efficiently answer all questions. Note that specific EPA guidance for federal agencies has not yet been prepared.

Background

Revised C&T plans (C&T) for the use of restricted use pesticides are due for submission to EPA on March 6, 2020

<https://www.epa.gov/pesticide-worker-safety/revised-certification-standards-pesticide-applicators>

This applies to only federal agencies with an current EPA-approved plan that they intend to keep and need to revise by March 6, 2020.

If federal agencies currently don't have a plan and want to develop one, "they do not have to develop one in time for this deadline."

Current EPA approved Federal Agency Plans

- Department of Defense/Armed Forces Pest Management Board;
- Department of Energy/Bonneville Power Administration;
- Department of Interior/Bureau of Land Management and National Park Service
- USDA/APHIS/Plant Protection & Quarantine.
- US Forest Service

Clarification Information Received This Week from EPA

- EPA is not planning to prepare training modules for feds. Training modules are usually done by registrants or the extension service
- EPA is planning to provide training templates
- EPA will not be reviewing or approving federal C&T training modules
- EPA will definitely concur and/or sign concurrence on revised C&T plans
- "The "owners" of the plan will need to develop their own implementation schedule"

Thank you all! I am looking forward to our discussion this quarter.

Best Regards,
Jill

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Weed Scientist/Agronomist
USDA-Office of Pest Management Policy
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